

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

FEDERAL TRADE COMMISSION,
et al.

Plaintiffs,

v.

SYNGENTA CROP PROTECTION
AG, et al.

Defendants.

CASE NO. 1:22-CV-828-TDS-JEP

**DECLARATION OF MARK E.
ANDERSON IN SUPPORT OF
CORTEVA, INC.'S MOTION TO
DISMISS**

I, Mark E. Anderson, declare as follows:

1. I am a partner at the law firm of McGuireWoods, LLC, and I represent Defendant Corteva, Inc. in the above captioned action.

2. This declaration is based on personal knowledge and is submitted in support of Corteva's motion to dismiss the Amended Complaint (the "Complaint").

3. Attached as Exhibits 1-3 are true and correct copies of excerpts from pesticide labels of crop protection products ("CPPs") for the following active ingredients ("AIs"): acetochlor (Exhibit 1); rimsulfuron (Exhibit 2); oxamyl (Exhibit 3). They are all searchable on the EPA Pesticide Product and Label System at the following link: <https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:1>.

4. Attached as Exhibit 4 is a true and correct copy of an excerpt of the Minnesota Department of Agriculture's website, which can be found at <https://www.mda.state.mn.us/acetochlor-general-information#:~:text=Acetochlor%20controls%20weeds%20by%20inhibiting,number%20of%20annual%20broadleaf%20weeds>.

5. Attached as Exhibit 5 is a true and correct copy of an excerpt of a publication by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, entitled *Texas Southern Rolling Plains Boll Weevil Cooperative Eradication Program*, USDA (May 1996), which can be found at https://www.aphis.usda.gov/plant_health/ea/downloads/tsrpea.pdf.

6. Attached as Exhibit 6 is a true and correct copy of an excerpt of the EPA's schedule of conventional pesticides, which references Corteva AIs listed in the Complaint and other AIs in the same chemical classes. It is available at <https://www.epa.gov/sites/default/files/2015-05/documents/conventional-sched.pdf>.

7. Attached as Exhibit 7 is a true and correct copy of an herbicide publication by North Dakota State University, which can be found at <https://www.ndsu.edu/agriculture/sites/default/files/2022-01/w1947.pdf>.

8. Facts concerning the AIs identified in the Complaint can be accurately and readily determined from Exhibits 1-7, whose accuracy cannot reasonably be questioned. The yellow highlighting in the excerpts was added for emphasis and ease of reference; it was not included in the originals.

I declare under penalty of perjury that the foregoing is true and correct and that I executed this declaration on March 3, 2023, in Raleigh, North Carolina.

/s/ Mark E. Anderson
Mark E. Anderson

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of March 2023, the foregoing **DECLARATION OF MARK E. ANDERSON IN SUPPORT OF CORTEVA, INC.’S MOTION TO DISMISS** was filed with the Court using the CM/ECF system which will automatically serve all attorneys of record via the Courts CM/ECF System.

/s/ Mark E. Anderson
Mark E. Anderson (Bar No. 15764)